

Application No. 10/087,318
Amendment Dated December 1, 2004
Reply to Office Action of June 17, 2004

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed June 17, 2004. A petition and fee for a three month extension of time is attached. Any additional fees in connection with this Amendment should be charged to our Deposit Account No. 19-3320.

In the Office Action, the Examiner rejected claims 7, 18 and 24 under 35 U.S.C. § 112, second paragraph, as being "indefinite"; rejected claims 12, 17, 19, 25, 26, 34, 40 and 41 under 35 U.S.C. § 102(b), as being "anticipated" by U.S. Patent No. 4,212,348 (*Kobayashi*); and rejected claims 18, 35-38 and 42-43 under 35 U.S.C. § 103(a) as having been "obvious" in view of *Kobayashi*. The Examiner allowed claims 4-6, 8 and 10.

In this Amendment, Applicant has cancelled claims 1-3, 7, 9, 11, and 13-44, without prejudice, and has amended claim 12.

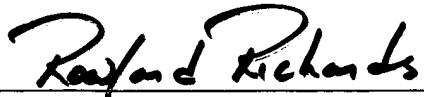
Claims 4-6, 8 and 10 have been allowed. Claim 12, as amended, is dependent on claim 4 and is therefore to be construed as incorporating all the limitations of claim 4. 35 U.S.C. § 112. Since claim 4 distinguishes patentably from the prior art and has been allowed, then its trailing dependent claim 12 must so distinguish and be allowable. *In re Fine*, 837 F.2d at 1376, 5 USPQ2d at 1600.

It is respectfully submitted that the foregoing amendments place the case in a condition for immediate allowance. This Amendment is believed to be fully responsive to the office action of June 17, 2004, is believed to squarely address each and every ground for objection and rejection raised by the Examiner, and is further believed to materially advance the prosecution of this application toward immediate allowance.

Respectfully submitted,

Application No. 10/087,318
Amendment Dated December 1, 2004
Reply to Office Action of June 17, 2004

PHILLIPS LYTLE LLP

By 

Rowland Richards, Esq.

Reg. No. 42,104

3400 HSBC Center

Buffalo, New York 14203

Telephone: (716) 847-8400

Telecopier: (716) 852-6100

Attorneys for Applicant(s)

Buffalo, New York

Dated: December 1, 2004

Application No. 10/087,318
Amendment Dated December 1, 2004
Reply to Office Action of June 17, 2004



CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 1st day of December, 2004.

PHILLIPS LYTTLE LLP

By 

Rowland Richards, Esq.

Reg. No. 42,104

Signed: December 1, 2004

R-Racm
1437990.01